

LCB

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID VAGO,

Defendant.

x

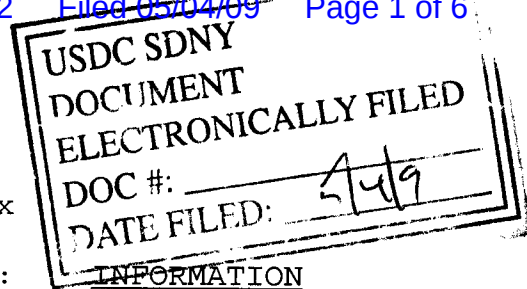
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09 Cr.

**09CRIM 443**

COUNT ONE

The United States Attorney charges:

1. From at least in or about 1999, up to and including in or about August 2005, in the Southern District of New York and elsewhere, DAVID VAGO, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly, combined, conspired, confederated, and agreed together and with each other to violate the laws of the United States, to wit, to violate Sections 1546(a) and 1001 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that DAVID VAGO, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly, would and did make under oath, and as permitted under penalty of perjury under section 1746 of title 28, United States Code, would and did subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and

would and did present such application, affidavit, and other document which contained such false statement and which failed to contain any reasonable basis in law and fact, in violation of Title 18, United States Code, Section 1546(a).

3. It was a further part and an object of the conspiracy that DAVID VAGO, the defendant, together with others known and unknown, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, unlawfully, willfully, and knowingly, would and did make a materially false, fictitious and fraudulent statement and representation, and would and did make and use a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code, Section 1001.

**OVERT ACT**

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 2003, DAVID VAGO, the defendant, knowingly prepared false tax return information for a resident alien ("A-1") with the understanding that, based in part on this information, A-1 would prepare and cause to be filed with Citizenship and Immigration Services false supporting

documentation for A-1's Application for Permanent Employment Certification.

b. In or about July 2005, DAVID VAGO, the defendant, knowingly prepared false tax return information for a co-conspirator not named herein ("CC-1"), with the understanding that, based in part on this information, CC-1 would prepare and cause to be filed with Citizenship and Immigration Services false supporting documentation for an application to adjust immigration status.

(Title 18, United States Code, Section 371.)

**FORFEITURE ALLEGATION**

5. As the result of committing the immigration fraud offense in violation of 18 U.S.C. § 371 alleged in Count One of this Information, the defendant shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(6), all conveyances used in the commission of the violation; all property, real and personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offense; and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of the offense, including but not limited to at least \$54,225.00 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the immigration fraud offense alleged in Count One of this Information.

SUBSTITUTE ASSETS PROVISION

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

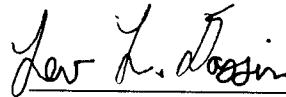
it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property described above, including but not limited to the following:

a. Any and all right, title and interest in the real property and appurtenances known as 704 Harris Avenue, Staten Island, New York 10314; and

b. Any and all right, title and interest in the

real property and appurtenances known as 1536 Prospect Street,  
Lakewood, New Jersey 08701.

(Title 18, United States Code, Section 982(a)(6);  
Title 21, United States Code, Section 853.)

A handwritten signature in cursive script, appearing to read "Lev L. Dassin", written over a horizontal line.

LEV. L. DASSIN  
Acting United States Attorney

May 7, 2009 C18

Filed Waiver of Indictment and Information.  
Filed Consent to Proceed Before a USMJ on a Felony Plea  
Allocation. Dept. pres. n/atty: Benjamin Braxman,  
Karen Newirth. AVST: David Leibowitz & Court Rept.  
present. Dept. pleads guilty as charged. PSI Ordered  
Sentence: Aug. 4, 2009 - Control date. Mag. Judge Freeman  
recommends that Judge Castel accept the proffered  
plea to Count 1 of the Information. Dept. released on  
bail.

Freeman, USMJ